Preliminary Draft

WSDOT Statewide Municipal Stormwater NPDES and State Waste Discharge General Permit

December 19, 2005

Permit No._____
Coverage Date_____

Issuance Date:
Effective Date:
Expiration Date:

National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Washington State Department of Transportation Municipal Separate Storm Sewers

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified, or revoked, WSDOT that has properly obtained coverage under this permit is authorized to discharge to waters of the state in accordance with the special and general conditions which follow.

_____

Dave Peeler, Manager
Water Quality Program
Department of Ecology

TABLE OF CONTENTS

[1] Terms that are included in the definitions and acronyms section are indicated in italics the first time they are used in the text of the permit.

Note to readers:

This preliminary draft contains some sections and appendices similar to the preliminary drafts of the Phase I and II municipal stormwater permits. Sections S2, S4 and S7 are currently under review and revision by Ecology staff.

SPECIAL CONDITIONS

S1. PERMITTEE AND PERMIT COVERAGE

A. PERMITTEE

Stormwater discharges from state highways and related facilities, owned and operated by the Washington Department of Transportation (WSDOT), are regulated under the *Clean Water Act (CWA)* as *municipal separate storm sewer systems (MS4s)*. This *National Pollutant Discharge Elimination System (NPDES)* municipal stormwater and state waste discharge permit replaces and supercedes *WSDOT*'s coverage under the Phase I municipal stormwater permits.

B. PERMIT COVERAGE

This permit is a statewide *general permit* for state transportation facilities in Phase I and Phase II areas as well as the remainder of the state (excluding areas of federal and tribal lands). This permit covers stormwater discharges from state highways, maintenance facilities ferry terminals, rest areas, and park and ride lots when the discharges are conveyed through a *municipal separate storm sewer (MS3)* owned or operated by WSDOT.

In 2003, WSDOT submitted a permit application to include coverage for their highways and facilities across the entire state. On August 8, 2005, WSDOT submitted a request to amend its permit application to limit geographic coverage to coincide only with the Phase I and II boundaries. Additionally, WSDOT revised its January 2005 Draft Stormwater Management Plan (SWMP) in December 2005 to limit program coverage to Phase I & II areas only. Appendix 3 of this permit contains the revised draft SWMP.

Ecology has not made a final decision regarding the permit's geographic coverage. This issue will be discussed and finalized as part of the permit development and issuance process.

Map of Phase I & II urban areas: http://www.ecy.wa.gov/programs/wq/stormwater/municipal/maps/state-msw.pdf

S2. AUTHORIZED DISCHARGES

A. This permit authorizes the discharge of stormwater to surface waters and to ground waters of the state from municipal separate storm sewers owned or operated by WSDOT as follows:

1. *Existing stormwater discharges*.

2. *New stormwater discharges* (see glossary for definition) constructed after the issuance date of this permit that have received all applicable state and local permits and use authorizations, including compliance with Ch. 43.21C RCW (the State Environmental Policy Act), and that are in compliance with Special Condition S4. COMPLIANCE WITH STANDARDS, of this permit.

3. Stormwater discharges to ground waters of the state are covered under this permit, except that stormwater that discharge through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not covered under this permit.

4. Covered discharges to ground waters, not subject to regulation under the federal Clean Water Act, are covered in this permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act.

B. This permit authorizes discharges of stormwater associated with industrial and construction activity, process wastewater, and non-stormwater discharges from municipal separate storm sewers owned or operated by WSDOT to waters of the state, only under the following conditions:

1. Non-stormwater discharges and process wastewater must be authorized by another NPDES permit or identified by and in compliance with Special Condition S5.B.2 *Illicit Connections and Illicit Discharges Detection and Elimination*; or

2. Stormwater associated with construction or industrial activity, as defined by 40CFR 1222.26, must be authorized by a separate individual or general NPDES permit.

C. This permit authorizes discharges from fire fighting activities, except training exercises, unless the discharges from fire fighting activities are identified as significant sources of pollutants to waters of the State.

D. This permit does not authorize illicit discharges except as allowed in Special Condition S5.B.2. *Illicit Connections and Illicit Discharges Detection and Elimination*, nor does it relieve entities responsible for illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.

S3. RESPONSIBILITIES OF PERMITTEE

A. WSDOT is responsible for compliance with all of the conditions of this permit for the municipal separate storm sewers it owns or operates.

B. WSDOT may rely on another entity to meet one or more of the requirements of this permit, if the other entity implements the control measure and agrees to implement the control measure on the WSDOT's behalf. If WSDOT relies on another entity to satisfy one or more or their permit obligations, it remains responsible for permit compliance if the other entity fails to implement the permit conditions. Where permit responsibilities are shared they must be documented as follows:

1. WSDOT shall submit a statement to the *Department of Ecology* (*Ecology)* that describes the permit requirements that will be implemented by other entities. The statement must be signed by all participating entities. There is no deadline for submitting such a statement provided that this does not alter implementation deadlines.

C. Unless otherwise noted, all appendices to this permit are incorporated by this reference as if set forth fully within this permit.

S4. COMPLIANCE WITH STANDARDS

A. This permit does not authorize a violation of Washington State surface *water quality standards* (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), sediment management standards (chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923).

B. Existing Stormwater Discharges. In order to meet the goals of the Clean Water Act and make progress towards compliance with applicable surface water, ground water and sediment management standards for all existing stormwater discharges, WSDOT is required to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP).

To meet the requirement to reduce the discharge of pollutants to the MEP, WSDOT shall comply with the requirements of this permit.

C. New Stormwater Discharges. All new stormwater discharges must comply with Washington surface water, ground water and sediment management standards. New stormwater discharges by WSDOT shall not cause or contribute to a violation of applicable standards. New stormwater discharges include *new stormwater sources* and *new stormwater outfalls*, including all sources contributing to the new stormwater outfall. Compliance with water quality standards shall be determined as follows:

1. If the new stormwater discharge is controlled in accordance with the technical standards in Appendices 1 and 2 and in compliance with the terms of this permit, then the discharge is in compliance unless *site-specific information* as in 2, below, indicates otherwise. From the effective date of this permit until the date WSDOT adopts and applies the technical standards in this permit, (including, at a minimum, Appendices 1 and 2, the *Best Management Practice (BMP)* selection and site planning process, types of BMPs and design criteria for BMPs required under

S5.B.5 of this permit) WSDOT must apply the following evaluation for transportation-related projects that will result in new stormwater discharges as follows:

a. That new stormwater discharges are not allowed to cause or contribute to a violation of applicable surface water, ground water and sediment management standards, including the State's narrative criteria for water quality; and

b. WSDOT may apply the technical standards referenced in paragraph S4.~~B~~C.1, above, as a means of achieving compliance; and

c. If WSDOT chooses not to apply the applicable technical standards referenced in paragraph S4.~~B~~C.1, above, then WSDOT must demonstrate that the new stormwater discharge does not cause or contribute to a violation of applicable surface water, ground water and sediment management standards. WSDOT must document how stormwater BMPs were selected, the pollutant removal expected from the selected BMPs, the technical basis which support the performance claims for the selected BMPs, and an assessment of how the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement under chapter 90.48 RCW to apply all known, available, and reasonable methods of prevention, control and treatment (AKART).

2. The applicability of Appendix 1 for western Washington includes the area bounded on the south by the Columbia River, on the west by the Pacific Ocean, on the north by the Canadian border, and on the east by the Cascade Mountains crest. The requirements in Appendix 2 for eastern Washington apply to the remainder of the state.

3. If, prior to the construction advertising date ("ad date") of a new stormwater discharge, site-specific information indicates that the technical standards in this permit, including those listed in S4 C. 1., are not sufficient to protect beneficial uses of waters of the state from impacts which cause or contribute to loss or impairment, then additional controls necessary to protect beneficial uses must be applied. The additional controls determined necessary to protect beneficial uses must be in place prior to the discharge from the new stormwater source or outfall.

D. Ecology may modify or revoke and reissue this general permit, in accordance with General Condition G14, if Ecology becomes aware of additional control measures, management practices or other actions beyond what this permit requires that are necessary to reduce the discharge of pollutants to the MEP.

S5. STORMWATER MANAGEMENT PROGRAM

A. General Requirements

1. WSDOT shall develop, implement, enforce and refine a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP) and to protect water quality and beneficial uses of water of the state from impacts which cause or contribute to loss or impairment, and to satisfy the appropriate requirements of the Clean Water Act.

2. A draft 2005 SWMP, submitted by WSDOT, represents an initial plan for management of stormwater discharges during the term of this permit (Appendix 3). The SWMP describes the Program management framework, legal authority, illicit discharge elimination, intergovernmental coordination, construction stormwater pollution prevention, requirements for new/redevelopment projects, stormwater BMP retrofit program, maintenance standards and practices, vegetation management, monitoring and research programs, education and outreach programs, program assessment and annual reporting.

3. This NPDES permit directs WSDOT to implement its SWMP. All *components* and requirements of the SWMP are enforceable as conditions of this permit. WSDOT shall revise its draft 2005 SWMP to comply with the provisions of this NPDES permit and address concerns about the scope, detail of proposed actions, and time frame for implementation. This permit also directs WSDOT to implement its draft (dated xx) SWMP until it is revised to comply fully with the conditions of this permit. This permit is the governing document in any discrepancy between WSDOT's draft 2005 SWMP and this NPDES permit.

4. WSDOT shall prepare written documentation of its revised SWMP and submit it to Ecology in written and electronic formats with or before the first year annual report, in accordance with the requirements in S8 Reporting Requirements. The SWMP documentation shall include a description of each of the program components included in S5.B, any additional actions implemented by WSDOT pursuant to S5.B, and any additional actions necessary to meet the requirements of applicable TMDLs.

5. WSDOT shall track the cost of development and implementation of the SWMP required by this section. This information shall be included in the annual report.

B. Program Requirements

WSDOT shall revise its SWMP to include, at a minimum, the components and requirements listed below. All components and measurable goals are mandatory and must be implemented by WSDOT. The requirements of the stormwater management program shall apply to municipal separate storm sewers and areas served by municipal separate storm sewers owned or operated by WSDOT.

1. Legal Authority

a. WSDOT must demonstrate that it can operate pursuant to legal authority which authorizes or enables it to control discharges to and from municipal separate storm sewers owned or operated by WSDOT.

b. This legal authority, which may be a combination of statute, permit, contracts, orders, interagency agreements, or similar means, shall authorize or enable WSDOT, at minimum, to:

i. Control the contribution of pollutants to municipal separate storm sewers owned or operated by WSDOT from stormwater discharges associated with industrial activity and control the quality of stormwater discharged from sites of industrial activity;

ii. Prohibit illicit discharges to the municipal separate storm sewer owned or operated by WSDOT;

iii. Control the discharge of spills, and the dumping or disposal of materials other than stormwater into the municipal separate storm sewers owned or operated by WSDOT;

iv. Control, through interagency agreements, the contribution of pollutants from one portion of the municipal separate storm sewer system to another portion of the municipal separate storm sewer system;

v. Require compliance with conditions in permits, contracts, or orders; and,

vi. Within the limitations of state law, carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions, including the prohibition on illicit discharges to the municipal separate storm sewer.

c. Minimum Performance Measures:

i. WSDOT shall submit, no later than one year from the effective date of the permit, a statement by its legal counsel that it has all necessary legal authority to comply with this permit.

2. Illicit Connections and Illicit Discharges Detection and Elimination

a. The SWMP shall include an ongoing program to detect, remove and prevent illicit connections and illicit discharges, including spills, into the municipal separate storm sewers owned or operated by WSDOT. The program shall include:

i. Effectively prohibiting all types of illicit discharges to the municipal separate storm sewers owned or operated by WSDOT other than those authorized under a separate NPDES permit. As necessary, WSDOT shall incorporate appropriate control measures in the stormwater management program to ensure the non-stormwater discharges listed in Appendix 3,

(dated xx) WSDOT Stormwater Management Program section 2.3.3 are not sources of pollutants to waters of the state.

ii. Detecting and eliminating illicit connections to municipal separate storm sewers owned or operated by WSDOT.

iii. On-going identification of illicit discharges into the municipal separate storm sewer system through inspections, monitoring, and complaint response.

iv. Preventing, responding to, and cleaning up illicit discharges into the municipal separate storm sewers owned or operated by WSDOT.

b. Minimum Performance Measures:

i. No later than the effective date of this permit, WSDOT must continue implementing an on-going program to prevent, detect, identify and respond to illicit connections and illicit discharges. The program shall include adopting and performing procedures for reporting, and correcting or removing illicit connections, spills and other illicit discharges when they are suspected or identified. The program shall also include procedures for controlling pollutants entering the MS4 from an interconnected, adjoining MS4. WSDOT shall identify illicit connections and illicit discharges through field screening, inspections, complaints/reports, construction inspections, maintenance inspections, source control inspections, and/or monitoring information, as appropriate.

ii. WSDOT shall provide appropriate training for municipal field staff who are responsible for identification, investigation, termination, cleanup, and reporting illicit discharges, including spills, improper disposal and illicit connections. Training shall be completed no later than 12 months after the effective date of this permit. Refresher training shall be conducted on an annual basis thereafter.

iii. All municipal field staff, which as part of their normal job responsibilities might come into contact with, or otherwise observe an illicit discharge or illicit connection to the storm sewer system, shall be trained on the identification of an illicit discharge/connection and on the proper procedures for reporting the illicit discharge/connection. Initial training shall be completed no later than two years from the effective date of this permit. WSDOT shall conduct refresher training on an annual basis thereafter.

iv. No later than 12 months after the effective date of this permit, WSDOT shall initiate a program to develop and maintain a listing of all connections to the municipal separate storm sewer authorized or allowed by WSDOT.

v. WSDOT shall continue to provide a publicly listed water quality citizen complaints/reports telephone number. This program shall be in place no

later than the effective date of this permit. Complaints shall be responded to in accordance with S5.B.2.b.vi. and vii, below.

vi. WSDOT shall conduct on-going screening for illicit connections, including indicator monitoring, and tracking discharges to the source. WSDOT shall conduct an ongoing program to identify illicit connections.

vii. WSDOT shall conduct screening for illicit discharges using one or more of the methods listed below:

(1) The field screening method in 40 CFR 122.26(d)(1)(iv).

(2) Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004.

(3) Other alternative methods that have been approved by Ecology.

viii. Response to Illicit Connections

(1) Investigation: Upon discovery or upon receiving a report of a suspected illicit connection, WSDOT shall initiate an investigation within 21 days to determine the source of the connection, the nature and volume of discharge through the connection and the responsible party for the connection.

(2) Termination: Upon confirmation of the illicit nature of a storm drain connection, WSDOT shall ensure termination of the connection within 180 days, using enforcement authority, as needed.

ix. WSDOT, no later than six months after the effective date for this permit, shall develop and implement procedures to prevent, respond to and clean up spills and improper disposal into municipal separate storm sewers owned or operated by WSDOT. Under these procedures, WSDOT shall investigate, within 7 days on average, any complaints/reports or monitoring information that indicates a potential illicit discharge, including a spill or illegal dumping. WSDOT shall also investigate as soon as possible, those problems/violations judged to be urgent or severe, or reported as emergencies.

x. WSDOT shall track and maintain records of the illicit discharge detection and elimination program, including documentation of inspections, complaint/spill response and other enforcement records.

3. Coordination

a. The SWMP shall include coordination mechanisms between WSDOT and other entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within a watershed. The SWMP shall also include coordination mechanisms and

program enforcement procedures among departments within WSDOT to ensure compliance with the terms of this permit.

b. Minimum Performance Measures:

i. No later than 12 months after the effective date of this permit, establish, in writing, and begin implementation of intragovernmental (internal) coordination procedures to ensure compliance with the terms of this permit.

ii. No later than 12 months after the effective date of this permit, establish, in writing, and begin implementation of intergovernmental coordination procedures on stormwater management, including:

- Coordination mechanisms clarifying roles and responsibilities for the control of pollutants between physically interconnected MS3s and those of any other entity covered by a municipal stormwater NPDES permit

- Coordinating activities for shared waterbodies among NPDES municipal permit entities, to avoid conflicting plans policies and regulations.

4. Revising and Updating SWMP

WSDOT's (dated xx) SWMP plan has been developed and finalized as a component of this permit. Revisions to the SWMP must be done in conjunction with a permit modification or reissuance pursuant to Chapter 173-226 WAC.

5. Controlling *Runoff* from New Development, Redevelopment and Construction Sites

a. Highway Runoff Manual

The SWMP shall include a program to prevent and control the impacts of runoff from new development, redevelopment, and construction activities. This permit directs WSDOT to revise, implement, and enforce its Highway Runoff Manual (HRM) to address minimum requirements for stormwater management. WSDOT shall develop the HRM with opportunities for public review and Ecology must approve the HRM. The HRM shall provide an equal or greater level of protection, for water quality and beneficial uses, as the *Stormwater Management Manual for Western Washington and Stormwater Management Manual for Eastern Washington* as applicable.

i. WSDOT's HRM must include the minimum requirements, thresholds, variance criteria and definitions in Appendices 1 and 2. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the application of basin plans or other similar water quality and quantity planning efforts. Such requirements and thresholds must provide equal or greater protection of receiving waters

and equal or greater levels of pollution control as compared to Appendices 1 and 2.

ii. WSDOT's new development, redevelopment and construction sites must apply a site planning process and BMP selection and design criteria that, when used to implement the minimum requirements on a site specific basis, will protect water quality, reduce the discharge of pollutants to the maximum extent practical, and satisfy the state requirement under chapter 90.48 RCW to apply all known, available, and reasonable methods of prevention, control and treatment (AKART) prior to discharge. WSDOT must document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the state AKART requirements.

WSDOT can choose to use the site planning process, and BMP selection and design criteria in the revised and approved (dated xx) HRM and cite this choice as their sole documentation to meet this requirement.

iii. The program must allow non-structural preventive actions and source reduction approaches such as *Low Impact Development* (LID) techniques, to minimize the creation of impervious surfaces, and measures to minimize the disturbance of soils and vegetation.

v. The use of "emerging technology" is allowed if WSDOT follows the process outlined in Section 5-4.1 of the (dated xx) Highway Runoff Manual. Ecology will evaluate treatment technology proposals using the latest edition of "Guidance for Evaluating Emerging Stormwater Treatment Technologies." Proposals for flow reduction BMPs require field monitoring.

b. When WSDOT requires project-level review and approval (such as a 401 Water Quality Certification) WSDOT may apply off-site BMPs for post-construction stormwater management in accordance with S4 B (4)(c) below and when any of the following conditions exist:

i. When on-site BMPs will not provide adequate treatment or flow control to meet water quality standards.

ii. When the new or increased discharge will cause a violation of water quality standards, but on-site treatment is determined to be unreasonable based on an AKART determination.

iii. When on-site treatment is difficult to provide, cumulative effects are of concern, and the project's discharge will not cause or contribute to a violation of water quality standards.

iv. When WSDOT and Ecology conclude that on-site flow control or stormwater treatment is difficult to provide and off-site, in-kind mitigation options exist that will result in compliance with water quality standards.

c. WSDOT must meet the following conditions when off-site BMPs are applied:

i. The BMPs must be located so that the actual in-kind benefit is realized in the receiving water and water quality standards are met at the project site discharge.

ii. The off-site BMP must create a net in-kind improvement to the receiving water quality and/or quantity at the project site discharge.

iii. The off-site BMP must result in compliance with an established basin flow-control plan or applicable TMDL requirement.

iv. WSDOT implements a monitoring program to determine if the off-site BMPs meet the water quality and/or flow control requirements.

d. Minimum performance measures:

i. No later than six months from the effective date of this permit, WSDOT must revise and begin implementing the Highway Runoff Manual pursuant to the requirements in S5 B(5)(a). The revised HRM shall apply to WSDOT projects with construction "ad" dates after June 2007.

ii. WSDOT must provide training for staff involved in controlling stormwater runoff from new development, redevelopment, and construction sites, including preliminary design, design, design review, construction site inspections, and enforcement, to carry out the provision of this program component. This includes annual training on the use of the Highway Runoff Manual, MGS Flood, and stormwater-related planning and design.

6. Mapping and Documentation

a. The SWMP shall include an ongoing program for mapping and documenting the MS4.

b. Minimum performance measures. The information and its form of retention shall include but not be limited to:

i. No later than four years from the effective date of this permit, WSDOT shall map all known municipal separate storm sewer outfalls (regardless of size)

and receiving waters, and structural stormwater BMPs owned, operated, or maintained by the WSDOT.

ii. No later than five years from the effective date of this permit, WSDOT shall begin to map the attributes listed below for all storm sewer outfalls with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems:

- Tributary conveyances (indicate type, material, and size where known); and
- Associated drainage areas.

iii. No later than 5 years from the effective date of this permit WSDOT shall begin to map existing connections over eight inches to municipal separate storm sewers tributary to all storm sewer outfalls with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems.

iv. No later than four years from the effective date of this permit, WSDOT shall geographic areas served by WSDOT's MS4 that do not discharge stormwater to surface water.

v. WSDOT shall make available to Ecology, upon request, all available maps depicting the information required in S5.B (6). The preferred format of submission will be an electronic format with fully described mapping standards. An example description is provided at http://www.ecy.wa.gov/services/gis/data/standards.htm. WSDOT shall include updated GIS data layers in each annual report.

vi. Upon request, and to the extent appropriate, WSDOT shall provide its mapping information to other entities covered under a municipal stormwater NPDES permit.

vii. No later than two years from the effective date of this permit WSDOT shall establish and implement a process for integrating the documentation of newly constructed stormwater facilities and BMPs in the appropriate inventory database as part of the project closeout procedure.

7. Stormwater Retrofit for Existing Facilities

a. The SWMP shall include a program to construct structural stormwater controls on existing stormwater discharges. This program shall address impacts that are not adequately controlled by the other required actions of the SWMP, and shall identify necessary capital improvement plans (CIP) and an associated legislative funding request.

The program shall include the construction of projects such as flow control facilities, water quality treatment facilities, and retrofitting of existing flood

control facilities. WSDOT may also consider other means to address impacts from existing development, such as reduction of hydrologic changes through the use of on-site (infiltration and dispersion) stormwater management BMPs and site design techniques, or restoration of forest cover and riparian buffers, for compliance with this requirement. WSDOT shall not use in-stream culvert replacement projects for compliance with this requirement.

i. Stand-alone retrofit projects address structural stormwater control for existing discharges not associated with any new or re-development project. WSDOT shall include these retrofit projects in a capital improvement plan and identified through a revised, Ecology-approved, prioritization process.

> Currently, the traffic level of a highway is the key driving factor in determining priority for retrofit (section 5.2 of Appendix 3 WSDOT's Draft SWMP). A revised prioritization scheme could improve the inventory and retrofit planning and funding processes. Comments are welcome on this aspect of retrofit and information gathering.

ii. Project-related retrofit addresses structural stormwater control for existing discharges from impervious surfaces where a significant amount of pavement is added for a new or re-development project. WSDOT shall apply the Stormwater Retrofit Guidance in section 2-4 of the 2004 Highway Runoff Manual as a required project-related structural stormwater control.

iii. WSDOT may also consider the application of the flow control standard in Appendix 1, for sizing facilities based on a historic land cover presumption, as a project-related retrofit responsibility.

b. Minimum Performance Measures:

i. WSDOT shall include a description of the stand-alone retrofit projects in a five-year capital improvement plan with the first year annual report. WSDOT shall include a request for legislative funding to address the proposed five-year CIP.

ii. The Stormwater Retrofit Guidance in section 2-4 of Highway Runoff Manual shall be applied as mandatory project-driven retrofit for all projects with ad dates after June 2007.

iii. WSDOT shall include an update of both project-related and stand-alone retrofit accomplishments in each annual report.

8. Operation and Maintenance

   a. WSDOT is required to apply operational and structural source control BMPs, and, if necessary, treatment BMPs to pollution generating sources associated with existing land uses and activities. Minimum performance measures include the following:

      i. WSDOT shall apply the source control BMPs identified in the 2005 Stormwater Management Manual for Western Washington and 2004 Stormwater Management Manual for Eastern Washington.

      ii. No later than 12 months after the effective date of this permit, adopt and begin enforcement of a policy requiring the application of source control BMPs for pollutant generating sources associated with state highway facilities and associated activities. The source control requirements must include operational and structural source control and, if necessary, treatment BMPs that, when used on a site specific basis, will protect water quality, reduce the discharge of pollutants to the maximum extent practical, and satisfy the state requirement under chapter 90.48 RCW to apply all known, available, reasonable methods of prevention, control and treatment (AKART) prior to discharge.

      iii. No later than 18 months after the effective date of this permit, develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment, and maintenance storage yards, ferry terminals, rest areas, park and ride lots and material storage facilities owned or operated by WSDOT, that are not covered under another NPDES permit. The SWPPP is a documented plan to implement measures to identify, prevent, and control the contamination of discharges of stormwater to surface or ground water. Implementation of non-structural BMPs shall begin immediately after WSDOT develops the pollution prevention plan. WSDOT shall include a schedule for implementation of structural source control and treatment BMPs in the SWPPP. Generic SWPPPs that can be applied at multiple sites may be used to comply with this requirement. The SWPPP shall include periodic visual observation of discharges from the facility to evaluate the effectiveness of BMPs.

      iv. No later than 24 months after the effective date of this permit, WSDOT shall provide training to facilitate proper operation of the source control program. The training shall cover the SWPPS, source control BMPs and the proper application of both. The training shall be provided to all field staff involved in operation of the source control program. WSDOT shall document and maintain records of the training provided and the staff trained.

b. The SWMP shall include policies and procedures to reduce pollutants in stormwater discharges associated with the application of pesticides, herbicides, and fertilizer discharging into municipal separate storm sewers owned or operated by WSDOT. The program shall include, at a minimum: vegetation management policies; technical guidelines; procedures; and standards. Minimum performance measures include the following:

i. No later than 12 months after the effective date of this permit, revise and implement the vegetation management program to include the following minimum requirements:

(1) Reorganization and consolidation of the program into in one document (not including reference documents);

(2) A stated goal and specific measures to reduce the amount of pesticides, herbicides, and fertilizer used to maximum extent practicble over the five-year permit cycle;

(3) Identification, detailed account and tracking of each pesticide, herbicide, fungicide, and fertilizer used during maintenance activities by each WSDOT region;

(4) Description of application practices of each listed product including: location, timing, application rates, efficacy for targeted species and the effects of using combinations of chemicals. This includes plant management in wetland mitigation areas;

(5) Criteria for the selection of pesticides, herbicides, and fertilizers that includes at a minimum, target specificity, toxicity, shorter persistence, lower migration characteristics, time of application and site conditions of treatment area, including slope and permeability; and

(6) Policies and procedures to reduce pollutants associated with the application of pesticides, herbicides and fertilizers at non-roadway sites such as maintenance facilities, ferry terminals, rest areas, park and ride lots and stormwater treatment and flow control facilities.

ii. Within 12 months of the effective date of this permit complete the spraying activities link in the Computerized Maintenance Management.

c. The SWMP shall include policies and procedures to prevent or reduce stormwater impacts while conducting operation and maintenance activities. Minimum performance measures include the following:

iii WSDOT shall apply no more than the minimum amount of salt, deicing chemicals and abrasives for snow and ice removal. The minimum amount of salt will be applied at the most effective time, as determined by the snowstorm severity, duration and temperature. WSDOT shall continue to

consult Ecology to evaluate and develop selection criteria for de-icing agents due to the potential of these to cause adverse impacts on receiving waters.

d. The SWMP shall include ~~a~~ policies and procedures to conduct maintenance on stormwater facilities in order to prevent or reduce stormwater impacts. The maintenance program shall include maintenance standards, inspection schedules, maintenance schedules, tracking and recordkeeping. The Program shall apply the maintenance standards contained in WSDOT's (dated xx) Highway Runoff Manual. Minimum performance measures include the following:

i. No later than two years after the effective date of this permit, WSDOT shall inspect all permanent stormwater treatment and flow control facilities (other than catch basins owned or operated by WSDOT) annually, and conduct maintenance for compliance with the maintenance standards. The facility-specific maintenance standards determine if maintenance actions are required, as identified through inspection. They are not intended to be measures of the facility's required condition at all times between inspections. Exceeding these conditions at any time between inspections and/or maintenance does not automatically constitute a violation of these standards. However, based upon inspection observations, WSDOT shall adjust the inspection and maintenance schedules to minimize the length of time that a facility is in a condition that requires a maintenance action. These standards are violated when an inspection identifies a required maintenance action and that action is not performed in a timely manner. For example, WSDOT should perform maintenance within six months for typical maintenance and revegetation, and within one year for maintenance that requires capital construction of less than $25,000.

ii. No later than 24 months after the effective date of this permit, WSDOT shall begin implementing a program to annually inspect catchbasins and inlets owned or operated by WSDOT. WSDOT may change the annual inspection schedule to a lesser or greater frequency of inspection as appropriate to meet the maintenance standards based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records for catch basins, WSDOT may substitute written statements, including the signature certification in General Condition G19, proposing a specific less frequent inspection schedule, not to exceed three years, based on actual inspection and maintenance experience.

iii. The disposal of decant water shall be in accordance with the requirements in Appendix 7.

iv. WSDOT shall maintain records of inspections and maintenance and repair activities. Maintenance and repair projects requiring capital construction of $25,000 or more shall be included in the annual report.

v. No later than 12 months after the effective date of this permit, WSDOT shall incorporate the Maintenance Productivity Enhancement Tool database and the Stormwater Facility BMP database into the Computerized Maintenance Management System (CMMS).

vi. No later than 12 months after the effective date of this permit, WSDOT shall integrate the Maintenance Office review as part of the stormwater facilities design approval process.

vii. Within two years of the effective date of this permit develop and implement a stormwater maintenance activity tracking tool that is based on work completed in addition to the existing time collection/time cards database.

9. Education Program

a. The SWMP shall include an education program aimed at transportation system customers, elected officials, policy makers, WSDOT planning staff and other WSDOT employees. The goal of the education program is to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts. An education program may be developed locally or regionally.

b. Minimum Performance Measures:

i. No later than 12 months after the effective date of this permit, WSDOT shall implement or participate in an education program that uses different types of media (brochures alone are not adequate), and targets a wide range of interest groups to provide education on the topics listed in S5 B (9) (ii), below.

ii. The education program shall address the following topics and target audiences:

(1) Provide education opportunities for all audiences about the importance of improving water quality, reducing impervious surfaces and protecting beneficial uses of waters of the state. The public should be aware of water quality impacts of automobile-related pollutants in state highway stormwater discharges.

(2) Provide information to the general public about actions individuals can take to improve water quality and reduce transportation-related pollutants in WSDOT's MS4.

(3) Provide training at least one time per year to contractors and WSDOT engineers on the sedimentation and erosion control requirements and BMP methods.

(4) Provide information to engineers, construction contractors, developers, development review staff, and land use planners on technical

standards, the development of stormwater site plans and erosion control plans, and BMPs for mitigating contaminated runoff and the quantity of runoff from development sites.

(5) Provide information to explain and promote the removal of illicit discharges.

iii. WSDOT shall develop and implement a public education and outreach program designed to reach 100% of the target audiences by the expiration date of this permit.

iv. WSDOT shall track and maintain records of public education activities.

10. Public Involvement and Participation

a. The SWMP shall educate internal staff, consultants and the general public on WSDOT's stormwater issues.

b. The SWMP shall provide ongoing opportunities for public involvement in the decision making processes of the stormwater management program's detailed components and priorities (i.e. monitoring plans, stand-alone retrofit plan, HRM revision, vegetation management program etc.).

c. Minimum performance measures:

i. No later than six months after the effective date of this permit, adopt a process (separate from Ecology's advisory group for this permit) that creates opportunities for public participation in the decision making processes involving the development, implementation and update of the SWMP. WSDOT must develop and implement a process for considering public comments on the components of their SWMP and monitoring requirements.

ii. No later than eight months after the effective date of this permit, begin implementation of the public involvement program.

iii. WSDOT must make their SWMP, the SWMP documentation required under S5, and all submittals required by this permit, including annual reports and draft documents, available to the public on its website.

11. Fiscal Resources and Analysis

a. WSDOT shall maintain adequate fiscal resources to maintain compliance with this NPDES permit. This includes but is not limited to:

i. Implementing and maintaining all BMPs identified in the SWMP,

ii. Maintaining an effective stormwater monitoring program,

iii. Retaining adequate trained personnel to manage the stormwater program.

b. WSDOT shall submit a Fiscal Analysis of the storm water program expenditures within twelve months of the effective date of this permit and shall include one for the 3rd year, 5th year of the permit period annual report. At a minimum, the fiscal analysis shall show the allocation of funds to the different programs for compliance with this permit; the funding of the program elements; and a comparison of actual past year expenditures with the current year's expenditures and next year's proposed expenditures.

12. Program Assessment and Evaluation

a. WSDOT shall have a compliance program to insure actions are implemented and facilities are constructed, operated and maintained in accordance with this NPDES permit and the SWMP. The compliance program shall include training for inspection personnel, documentation of field activities, a reporting system that can be used to track effectiveness of control measures, internal enforcement procedures for noncompliance, and responsibilities (in addition to organizational charts) of all affected functional WSDOT divisions and offices.

b. Minimum Performance Measures:

i. No later than one year after the effective date of this permit, WSDOT will incorporate the SWMP compliance requirements into all appropriate environmental compliance procedures and reporting tools.

S6. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS

A. The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is approved for stormwater discharges from MS4s owned or operated by WSDOT. Applicable TMDLs or applicable TMDL requirements are TMDLs, which have been approved by EPA on or before the issuance date of this permit. WSDOT must be in compliance with applicable TMDL requirements.

B. For TMDLs not listed in Appendix 4 of this permit, compliance with this permit shall constitute compliance with all applicable TMDLs. WSDOT shall track actions required by this Permit that are relevant to applicable TMDLs within their jurisdiction. WSDOT shall monitor implementation of actions required to achieve compliance with the TMDL. WSDOT shall include the status of TMDL implementation as part of the annual reporting requirements submitted to Ecology. WSDOT shall also include documentation of all relevant actions implemented, that affect MS4 discharges to the waterbody segment that is the subject of the TMDL in the annual report

C. For TMDLs listed in Appendix 4, WSDOT shall comply with the TMDL requirements identified.

1. If water quality monitoring is a specific requirement of a TMDL listed in Appendix 4, WSDOT must develop and implement a TMDL monitoring Quality Assurance Project Plan (QAPP). WSDOT shall submit the TMDL QAPP no later than 90 days after the effective date of this permit, unless otherwise specified in Appendix 4. WSDOT shall submit the monitoring plan to Ecology in both paper and electronic form and it shall include:

   a. A detailed discussion and description of the goal and objective(s), monitoring (experimental) design, and sampling and analytical methods.

   b. A list and maps of the selected TMDL monitoring sites.

   c. The frequency of data collection to occur at each station or site and the number and types of precipitation events targeted for sampling.

   d. The method and location(s) of precipitation measuring devices.

   e. The triggers for automated flow monitoring devices.

   f. The parameters to be measured, as appropriate for and relevant to the TMDL.

   g. The QAPP will be implemented beginning no later than 180 days after the effective date of this permit.

2. For TMDLs listed in Appendix 4, WSDOT shall include, as part of the annual report to Ecology, a TMDL summary implementation report. The report shall include the status and actions taken by WSDOT to implement the TMDL. The TMDL summary report shall document relevant actions taken by WSDOT that affect MS4 discharges to the waterbody segment that is the subject of the TMDL. The report must also identify the status of any applicable TMDL implementation schedule milestones.

D. For TMDLs that are approved by EPA after this permit is issued, Ecology may establish TMDL related permit requirements through future permit modification, administrative orders, or when this permit is reissued. WSDOT is strongly encouraged to participate in development of TMDLs that are associated with discharges from its MS4 and to begin implementation. Ecology may modify this permit to incorporate requirements from TMDLs completed after the issuance of this permit if the Ecology determines implementation of actions, monitoring or reporting is necessary to demonstrate reasonable further progress toward achieving TMDL waste load allocations, and other targets are not occurring and must be implemented during the term of this permit.

S7. MONITORING

WSDOT shall develop and implement a comprehensive long-term monitoring program. The monitoring program shall include two elements: water quality monitoring and BMP effectiveness monitoring. The monitoring program must include long-term monitoring and

may include short term studies. The results of the monitoring program shall be used to support the SWMP and HRM revision process and lead to refinements of the Stormwater Management Program. The monitoring program must include Quality Assurance Project Plans (QAPPs) for each monitoring objective, written in accordance with Ecology's QAPP guidelines at http://www.ecy.wa.gov/biblio/0403030.html. The monitoring program must be developed by qualified staff or contractors that have experience in applying Ecology's or Environmental Protection Agency QAPP Guidelines.

A. Water Quality Monitoring

1. WSDOT shall develop and implement a comprehensive long-term water quality monitoring plan as described in this section. The monitoring program shall be designed to contribute to answering the following questions about the effectiveness of the municipal stormwater permitting and program efforts in protecting and restoring water quality and beneficial uses:

   a. Is the implementation of the Stormwater Management Program preventing impacts from the effects of new development by controlling construction and post-construction runoff?

   b. Is WSDOT preventing impacts and seeing improvements to beneficial uses by implementing a comprehensive stormwater management program?

2. Water Quality Monitoring Plan Coordination and Planning

   In order to fulfill (either in part or in total) the water quality monitoring program contents listed below, WSDOT may choose to develop, implement and report results of their water quality monitoring program in collaboration with other municipal (Phase I and II) stormwater NPDES permit entities. The fulfilled requirements shall be documented by WSDOT in a separate monitoring program plan submitted to Ecology for approval pursuant to S7.A.3.

   WSDOT may also choose to independently develop and conduct the program in accordance with the following requirements:

   The program must be developed by qualified staff or contractors who have experience in applying Ecology's or EPA's QAPP guidelines. If WSDOT chooses a third party to develop the monitoring plan, the third party must be approved by the Department of Ecology. WSDOT shall support the monitoring planning efforts by providing the following resources and information:

   a. Roads
      i. Average Annual Daily Traffic (AADT) counts or projections
      ii. Maps and staff assistance as necessary to facilitate the location of outfalls and the evaluation of potential water quality monitoring sites.
   b. Other transportation facilities
      i. Lists of the locations of each of following types of facilities:

(a) Rest areas
(b) Park and ride areas
(c) Maintenance yards
(d) Storage sites for road salt/sand
(e) Ferry loading areas

ii. Trip end counts or projections

iii. Maps and staff assistance as necessary to facilitate the location of outfalls and the evaluation of potential water quality monitoring sites.

3. Water Quality Monitoring Program Development and Contents

WSDOT shall submit a proposed monitoring program and implementation program, no later than 12 months after the effective date of this permit, for review and approval by Ecology. The monitoring program shall be submitted in both paper and electronic form and shall include all the required elements of the QAPP, including:

a. A detailed discussion and description of the purpose, design, and methods of the water quality monitoring program.

b. A list and maps of all selected receiving water and outfall sampling sites. The program shall include a list of specific water quality monitoring stations in outfalls representing discharges from each of the following:

i. Low volume roads, sub-categories of <15,000 AADT and 15,000-30,000 AADT,

ii. Parking lots at rest areas, park and ride areas, and ferry loading areas,

iii. Maintenance yards, and

iv. Storage sites for road salt/sand.

Final site selection shall provide for representation of each of the above categories and also result in appropriate distribution of the sites among urban, suburban, and rural settings, and among a variety of climatic and hydrogeologic settings across the state.

c. The frequency and type of sampling (data collection and analytical methods) or other monitoring effort to occur at each station or site, including but not limited to:

i. Flow-weighted composite storm sampling, and base flow sampling, in outfalls for the following constituents/parameters, as appropriate, for the monitoring objective:

(1) Flow, hydrograph data including antecedent dry period, rainfall and runoff, discussion of representativeness of storm samples and storm types,

(2) TSS and turbidity,

(3) Conductivity if tidally influenced,

(4) Chloride,

(5) Metals (including, at a minimum, total and dissolved copper, zinc, cadmium, and lead; and mercury sampling, as appropriate, in some high density commercial or industrial urban settings) and hardness,

(6) Base/Neutral/Acids (BNAs),

(7) Pesticides (commercially available and/or known to be applied roadside),

(8) Nutrients (including total nitrogen, phosphorus, nitrate/nitrite and orthophosphate),

(9) Biochemical oxygen demand (BOD), and

(10) Toxicity testing of a "seasonal first-flush" storm event (as defined by Ecology).

ii. Grab samples in outfalls for the following constituents/parameters as appropriate for the monitoring objective:

(1) Total Petroleum Hydrocarbons (TPH) using NWTPH-Gx and NWTPH-Dx., and

(2) E. coli and Enterococci bacteria.

iii. For in-line sediment traps, percent solids, pH, metals, and BNAs as appropriate for the contributing area land use.

d. The number of each type of event (e.g. baseflow; "seasonal first-flush" and/or other dry season rainfall; wet season rainfall) to be sampled at each location for each of the types of sampling identified in part S7 A (3) (c).

e. Full implementation of the water quality monitoring program shall begin no later than 24 months after the effective date of this permit. The third party or parties selected to develop the monitoring plan may continue to be utilized to collect and analyze the data and to write the subsequent reports required under this permit.

4. Water Quality Monitoring Program Reporting Requirements

WSDOT shall submit an annual stormwater monitoring report by December 31 each year starting in 2008. Each report shall include all monitoring data collected during the preceding period from October 1 through September 30. Each report shall also integrate data from earlier years into the analysis of results, as appropriate. The reports shall be submitted in both paper and electronic form and shall include:

a. A summary of the purpose, design, and methods of the monitoring program.

b. The status of implementing the monitoring program.

c. A comprehensive data and QA/QC report for each component of the monitoring program, with an explanation and discussion of the results of each component.

d. An analysis of the results of each component of the monitoring program, including any identified water quality problems or improvements or other trends in stormwater or receiving water quality.

e. Recommended future actions based on the findings.

f. If WSDOT monitors stormwater discharges more frequently than required by the monitoring program in S7, then the results of this monitoring shall be included in the report. If WSDOT conducts any other stormwater monitoring in addition to that required in the required monitoring program, then it shall provide a description of the additional monitoring in the report.

B. Best Management Practice Effectiveness (BMP) Monitoring Program

WSDOT shall develop and implement a long-term BMP effectiveness monitoring program as described in this section. Structural runoff treatment BMPs and flow reduction strategies will be evaluated. The purpose of the monitoring program is to provide a feedback loop for adaptive management of WSDOT's stormwater management program and Ecology's municipal stormwater permitting program. The BMP effectiveness monitoring program shall be designed to contribute to answering the following questions about the short and long-term performance of BMPs to protect and restore water quality and beneficial uses:

a. Is implementation of the Stormwater Management Program preventing impacts from the effects of new development by controlling construction and post-construction runoff?

b. Is WSDOT preventing impacts and seeing improvements to beneficial uses by implementing a comprehensive stormwater management program?

1. BMP Effectiveness Monitoring Program Coordination and Planning

In order to fulfill (either in part or in total) the BMP effectiveness monitoring program requirements listed below, WSDOT may choose to develop, implement and report results of their the program in collaboration with other municipal (Phase I and II) stormwater NPDES permit entitites. The fulfilled requirements shall be documented by WSDOT in a separate monitoring program plan submitted to Ecology for approval pursuant to S7.B.2.

WSDOT may also choose to independently develop and conduct the program in accordance with the following requirements:

WSDOT's BMP effectiveness monitoring program shall be designed to evaluate at least one type of BMP for each category of treatment (i.e. basic, metals and oil control) at no less than two sites per BMP. Additionally, at least three flow reduction strategies shall be evaluated. The monitoring program must include QAPPs for each BMP and flow reduction strategy

being evaluated. The program must be developed by qualified staff or contractors who have experience in applying Ecology's or EPA's QAPP guidelines. If WSDOT chooses a third party to develop the monitoring plan, the third party must be approved by the Department of Ecology. WSDOT shall support the monitoring planning efforts by providing the following resources and information:

a. WSDOT shall identify potential sites where the following types of BMPs are in use or planned for installation (the BMPs shall be designed using criteria similar to the 2005 Stormwater Management Manual for Western Washington or 2004 Stormwater Management Manual for Eastern Washington). QAPPs for short detention time BMPs should follow the TAPE protocols. QAPPs for long detention time BMPs will need to develop sampling protocols. BMP treatment types:

(1) <u>Basic Treatment</u>

Biofiltration swale

Filter strip

Basic wetpond

Treatment wetland

Sand filter

(2) <u>Metals/Phosphorus Treatment</u>

Amended sand filter

Two facility treatment train

Compost amended filter strips

Bioretention

Large wetpond

(3) <u>Oil Control</u>

Linear sand filter

Catch basin insert

b. WSDOT shall provide a prioritized list of the types of structural treatment BMPs to monitor.

c. WSDOT shall identify and describe a flow reduction strategy that is in use or planned for installation in their jurisdiction, and is suitable for monitoring.

d. WSDOT shall provide staff assistance as necessary to facilitate the evaluation and selection of potential sites.

2. BMP Effectiveness Monitoring Plan Development and Contents

WSDOT shall submit a monitoring program plan, no later than 12 months after the effective date of this permit, for review and approval by Ecology. The monitoring program shall be submitted in both paper and electronic form and shall include:

a. A detailed discussion and description of the purpose, design, and methods of the BMP effectiveness monitoring program, including Quality Assurance Project Plans (QAPPs) for each BMP being monitored.

b. A detailed discussion and description of the purpose, design, and methods of the flow reduction strategy monitoring program, and QAPPs for each flow reduction strategy being monitored.

c. A list and maps of all proposed and selected monitoring sites, including the date of installation/construction.

d. WSDOT's prioritized lists of structural treatment BMPs to monitor.

e. Records of inspection and maintenance on each of the BMPs selected.

f. The methods, protocols, analytical laboratory methods to be used.

g. The frequency of data collection to occur at each station or site and the number and types of precipitation events to be targeted for sampling.

h. The parameters to be measured in the inflow to and outflow from each BMP, or flow reduction strategy, as appropriate for the contributing area land use and performance expectations of the selected BMP:

i. Flow (rate, duration and volume)

ii. Hydrograph data including antecedent dry period, rainfall and runoff, discussion of representativeness of storm samples and storm types.

iii. TSS,

iv. pH, hardness, and temperature,

v. Metals (including, at a minimum, total and dissolved copper, zinc, arsenic, cadmium, chromium, and lead),

vi. Total Petroleum Hydrocarbons (NWTPH-Gx and NWTPH-Dx),

vii. BNAs,

viii. Pesticides (commercially available and/or known to be applied roadside),

ix. Nutrients (including total nitrogen, total phosphorus, nitrate/nitrite and orthophosphate),

x. Biochemical oxygen demand (BOD),

xi. E. coli and Enterocci bacteria, and/or

xii. Toxicity

i. Full implementation of the stormwater and receiving water monitoring program shall begin no later than 24 months after the effective date of this permit. The

third party or parties selected to develop the monitoring plan may continue to be utilized to collect and analyze the data and to write the subsequent reports required under this permit.

3. BMP Effectiveness Monitoring Reporting Requirements

WSDOT shall submit an annual stormwater monitoring report by December 31 each year beginning in 2008. Each report shall include all monitoring data collected for the preceding period from October 1 through September 30. Each report shall also integrate data from earlier years into the analysis of results, as appropriate. The reports shall be submitted in both paper and electronic form and shall include:

a. A summary of the purpose, design, and methods of the monitoring program,

b. The status of implementing the monitoring program,

c. The status of implementing the QAPP for each component of the monitoring program, with an explanation and discussion of the results of each component,

d. An analysis of the results of each component of the monitoring program, including any identified BMP performance problems, and

e. Recommended future actions based on the findings.

S8. REPORTING REQUIRMENTS

A. WSDOT shall submit, no later than March 31 of each year beginning in the year 2007, an annual report. The reporting period for each annual report shall be the previous calendar year.

B. The annual report shall include the following information:

1. Status of compliance with the conditions of this permit, including the status of implementing the components of the stormwater management program and the implementation schedule. If permit deadlines are not met, WSDOT shall report the reasons why the requirement was not met and how the requirements will be met in the future, including projected implementation dates. A comparison of program implementation results to performance standards established in this permit shall be included for each program area.

2. Expenditures for the reporting period, with a breakdown for the components of the stormwater management program.

3. A summary describing compliance activities, and

4. Identification of known water quality improvements or degradation.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

G2. PROPER OPERATION AND MAINTENANCE

WSDOT shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by WSDOT for pollution control to achieve compliance with the terms and conditions of this permit.

G3. NOTIFICATION OF SPILL

If WSDOT has knowledge of a spill into a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, WSDOT shall notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge. Spills which might cause bacterial contamination of shellfish, such as might result from broken sewer lines, shall be reported immediately to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Ecology's Regional Office 24-hr. number is 425 649-7000 for NWRO and 360 407-6300 for SWRO and the Department of Health's Shellfish 24-hr. number is 360-236-3330.

G4. BYPASS PROHIBITED

The intentional *bypass* of stormwater from all or any portion of a stormwater treatment BMP whenever the design capacity of the treatment BMP is not exceeded, is prohibited unless the following conditions are met:

A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the *Clean Water Act* (*CWA*); and

B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated stormwater, or maintenance during normal dry periods.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss.

G5. RIGHT OF ENTRY

WSDOT shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law at reasonable times:

A. To enter upon WSDOT's premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

B. To have access to, and copy at reasonable cost and at reasonable times, any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G6. DUTY TO MITIGATE

WSDOT shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

G7. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing WSDOT from compliance with any other applicable federal, state, or local statutes, ordinances, or regulations.

G9. MONITORING

A. Representative Sampling:

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

B. Records Retention:

WSDOT shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by WSDOT or when requested by the *Director*. On request, monitoring data and analysis shall be provided to Ecology.

C. Recording of Results:

For each measurement or sample taken, WSDOT shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Test Procedures:

All sampling and analytical methods used to meet the monitoring requirements specified in the approved stormwater management program shall conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless otherwise specified in this permit or approved in writing by Ecology.

E. Flow Measurement:

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three years.

F. Lab Accreditation:

All monitoring data, except for flow, temperature, conductivity, pH, total residual chlorine, and other exceptions approved by Ecology, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by Ecology.

G. Additional Monitoring:

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G10. REMOVED SUBSTANCES

With the exception of decant from street waste vehicles, WSDOT shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be resuspended or reintroduced to the storm sewer system or to waters of the state. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only in accordance with the Street Waste Disposal Guidelines in Appendix 5.

G11. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

G12. REVOCATION OF COVERAGE

The director may terminate coverage under this General Permit in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated include, but are not limited to the following:

A. Violation of any term or condition of this general permit;

B. Obtaining coverage under this general permit by misrepresentation or failure to disclose fully all relevant facts;

C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;

E. Failure or refusal of WSDOT to allow entry as required in RCW 90.48.090;

F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465;

Revocation of coverage under this general permit may be initiated by Ecology or requested by any interested person.

G13. TRANSFER OF COVERAGE

The director may require any discharger authorized by this general permit to apply for and obtain an individual permit in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC.

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

This general permit may be modified, revoked and reissued, or terminated in accordance with the provisions of WAC 173-226-230. Grounds for modification, revocation and reissuance, or termination include, but are not limited to the following:

A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this general permit;

B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or chapter 90.48RCW, for the category of dischargers covered under this general permit;

C. A water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved; or

D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

If WSDOT knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and reissuance under condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify, or revoke and reissue this permit will be required. Ecology may then require submission of a new or amended application. Submission of such application does not relieve WSDOT of the duty to comply with this permit until it is modified or reissued.

G16. APPEALS

A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal within thirty days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.

B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with chapter 43.21b RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.

C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

D. Modifications of this permit are appealable in accordance with chapter 43.21B RCW and chapter 173-226 WAC.

G17. PENALTIES

40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby incorporated into this permit by reference.

G18. DUTY TO REAPPLY

WSDOT must apply for permit renewal at least 180 days prior to the specified expiration date of this permit. An expired permit continues in force and effect until a new permit is issued or until Ecology cancels the permit. WSDOT is covered under the continued permit only if it reapplies for coverage.

G19. CERTIFICATION AND SIGNATURE

All applications, reports, or information submitted to Ecology shall be signed and certified.

A. All permit applications shall be signed by either a principal executive officer or ranking elected official.

B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology, and

2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the stormwater management program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under General Condition G19.B.2 is no longer accurate because a different individual or position has responsibility for the overall development and implementation of the stormwater management program, a new authorization satisfying the requirements of General Condition G19.B.2 must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this permit shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations."

G20. RECORDS RETENTION

WSDOT is required to keep all records related to this permit for at least five years.

DEFINITIONS AND ACRONYMS

"Best Management Practices" ("BMPs") means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

Bypass means the diversion of stormwater from any portion of a stormwater treatment facility.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

"Component" or "Program Component" means the elements of the stormwater management program listed in Special Condition S7.

"Department" means the Washington State Department of Ecology.

"Director" means the Director of the Washington State Department of Ecology, or an authorized representative.

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from Municipal Separate Storm Sewers of WSDOT.

"Ecology" means the Washington State Department of Ecology.

"Existing Stormwater Discharge" means a discharge from a municipal separate storm sewer constructed or vested before the effective date of this permit, at the point where it discharges to receiving waters. An existing stormwater discharge serves an area of existing development and does not include new stormwater sources or new stormwater outfalls

"40 CFR" means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

"General Permit" means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger. Chapter 173-226-050 WAC includes "state or county highway systems" as an appropriate geographical boundary for coverage under a general permit.

"Heavy equipment maintenance or storage yard" means an uncovered area where any heavy equipment, such as excavators, dump trucks, backhoes, bulldozers, or mowers are washed or regularly maintained, or where at least five pieces of heavy equipment are stored

"Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections.

Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

"Integrated Pest Management" means the selection, integration, and implementation of pest control that consists of: Prevention of pest problems; monitoring and evaluation of pests, damage and results of treatment; acknowledgement of population levels of pests that can be tolerated based on legal, economic, health or aesthetic thresholds; use of natural control agents in an ecosystem; reliance to the maximum extent possible on nonhazardous biological, mechanical, and cultural treatment of pests; application of pesticides in a manner that minimizes damage to the ecosystem's natural controls and integrity; and use of pesticides only after other methods have been evaluated.

"Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director of the department of agriculture may declare to be a pest.

"Large Municipal Separate Storm Sewer System" means all Municipal Separate Storm Sewers located in an incorporated place with a population of 250,000 or more, a County with unincorporated urbanized areas with a population of 250,000 or more according to the 1990 decennial census by the Bureau of Census.

"Low Impact Development" (LID) means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

"Major Municipal Separate Storm Sewer Outfall" means a municipal separate storm sewer outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 12 acres or more).

"Material Storage Facilities" means an uncovered area where bulk materials (liquid, solid, granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.

"Medium Municipal Separate Storm Sewer System" means all Municipal Separate Storm Sewers located in an incorporated place with a population of more than 100,000 but less than 250,000, or

a county with unincorporated urbanized areas of more than 100,000 but less than 250,000 according to the 1990 decennial census by the Bureau of Census.

"Municipal Separate Storm Sewer" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

"National Pollutant Discharge Elimination System" (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

"New Stormwater Discharge" includes new stormwater sources and new stormwater outfalls.

"New Stormwater Outfall" means a municipal separate storm sewer, at the point where it discharges to receiving waters, that is vested after the effective date of this permit, and is constructed at a location where a municipal separate stormwater discharge did not exist at the effective date of the permit. A new stormwater outfall may consist of new stormwater sources, existing stormwater sources or a combination of new and existing stormwater sources. A new stormwater outfall does not include a replacement of an existing outfall, provided that the replacement does not increase the volume, flow rate, or pollutant load of the discharge, and discharges to the same water body at approximately the same location.

"New Stormwater Source" means any New Development and Redevelopment, as defined in Appendix 1, that is vested after the effective date of this permit, increases the volume, flow rate, or pollutant load of the stormwater runoff from the site, and discharges to a municipal separate storm sewer owned or operated by WSDOT.

"Notice of Intent" (NOI) means the application for, or a request for coverage under this General Permit pursuant to WAC 173-226-200.

"Notice of Intent for Construction Activity," and "Notice of Intent for Industrial Activity" mean the application forms for coverage under the Construction Stormwater General Permit and the Industrial Stormwater General Permit.

"Outfall" means point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances

connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

"Qualified Personnel" means someone who has had professional training in the aspects of stormwater management they are responsible for.

"Runoff" see Stormwater.

"Shared Waterbodies" means waterbodies, including downstream segments, lakes and estuaries, that receive discharges from more than one municipal stormwater permit entity.

" Site-specific Information" includes but is not limited to: information in water quality management plans such as watershed or stormwater basin plans, TMDLs, groundwater management plans, and lake management plans; information about hydrology, soils, or the sensitivity of the receiving waters that is obtained through professional field observations or monitoring; and information about likely pollutant sources.

"Stormwater," for the purpose of this permit, means rainfall or snow melt runoff.

"Stormwater Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying stormwater, which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant, and is required to have an NPDES permit in accordance with 40 CFR 122.26.

"Stormwater Management Manual for Eastern Washington" means the technical manual (Publication No. 04-10-076) published by the Department of Ecology in September 2004.

"Stormwater Management Manual for Western Washington" means the 5-volume technical manual (Publication Nos. 05-10-029 through 05-10-033) published by Ecology in February 2005.

"Waters of the State" includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

"Water Quality Standards" means Surface Water Quality Standards, Chapter 173-201A WAC, Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management Standards, Chapter 173-204 WAC.

"WSDOT" means WSDOT: Washington State Department of Transportation.